

REMARKS**Summary of the Office Action**

At page 2, the Examiner reminded the Applicants of the preferred layout of the specification of a utility application.

Claims 1-7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Doe et al. (U.S. Patent 7,260,726 B1)) (hereinafter “Doe”).

Summary of the Response to the Office Action

Applicants have amended the specification to incorporate headings along the lines of those suggested by the Examiner at page 2 of the Office Action. Applicants have amended independent claim 1 to improve the form of the claim. Accordingly, claims 1-7 remain currently pending for consideration.

Amendments to the Specification

At page 2, the Examiner reminded the Applicants of the preferred layout of the specification of a utility application. Applicants have amended the specification to incorporate headings along the lines of those suggested by the Examiner at page 2 of the Office Action. Accordingly, Applicants respectfully submit that the specification, as newly-amended is in compliance with the preferred layout of the specification of a utility application.

Rejections under 35 U.S.C. 102(b)

Claims 1-7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Doe. Applicants respectfully traverse these rejections for at least the following reasons.

Applicants respectfully submit that the Examiner did not present a specific comparison of each constituent element described in independent claim 1 of the instant application with Doe. Instead, the Office Action merely very generally indicates portions of Doe, i.e., “Fig. 1 to 3, and col. 5, line 58 to col. 7, line 3, and col. 9, line 20 to line 55.” Therefore, it is unclear to Applicants, and also in the instant application’s record, as to specifically which constituent elements of the disclosure of Doe are being asserted as corresponding to which constituent elements in independent claim 1 of the instant application.

However, in order to respond to the rejection, Applicants have considered the generally cited portions in Doe as indicated by the Examiner, in order to arrive at the following assumptions as to the specific relationship between each constituent element of claim 1 and a constituent element in Doe.

Constituent Element of Claim 1	Constituent Element in <u>Doe</u>
(A) an electronic device	a system 100 <u>or</u> an encryption control device 110/160
(B) a mounting device	a card reader in an encryption control device 110/160
a portable recording medium	a smart card 118/176
(C) an encrypted information write device	a card reader in an encryption control device 110/160
(D) an authentication device	a biometric scanning device 112/a scan port 174
(E) a key generating device	a random key generation 172
(F) an encrypted information read device	a card reader in an encryption control device 110/160
(G) an acquiring device	an encryption control device 110/160
(H) a decryption execution device	encryption/decryption channels A and B, 166 and 168
(I) a control device	control switches 178

Applicants will now discuss their conclusions of such comparisons of each constituent element of independent claim 1 of the instant application with a constituent element in Doe as summarized in the foregoing table.

1. With regard to constituent element (A), i.e., an electronic device, Applicants respectfully submit that the record is unclear as to whether the Examiner regards an electronic device of claim 1 as a whole of system 100, or an encryption control device 110/160 in Doe.

2. With regard to constituent element (B), i.e., a mounting device, and a portable recording medium, Applicants respectfully submit that because it is thought that a portable recording medium of claim 1 corresponds to a smart card 118/176 in Doe, it is thought that a mounting device of claim 1 corresponds to a card reader in Doe.

3. With regard to constituent element (C), i.e., an encrypted information write device, Applicants respectfully submit that it is thought that an encrypted information write device of claim 1 corresponds to a card reader in an encryption control device 110/160, and a recording medium unique key unique to the recording medium of claim 1 corresponds to private keys of a smart card 118 in Doe.

However, Applicants respectfully submit that because Doe does not disclose that a card reader records information in a smart card 118/176, a feature corresponding to the feature of claim 1 concerning “writes encrypted information and an electronic device unique key” is not disclosed in Doe.

Further, because a key unique to a system 100 or an encryption control device 110/160 is not disclosed in Doe, Applicants respectfully submit that a feature corresponding to the feature of claim 1 concerning “an electronic device unique key” is not disclosed in Doe.

Furthermore, Applicants respectfully submit that because a feature of claim 1 concerning “encrypting a key unique to an encryption control device 110/160 by private keys of a smart card

118” is not disclosed in Doe, a feature corresponding to the feature of claim 1 concerning “an electronic device unique key encrypted using a recording medium unique key” is also not disclosed in Doe.

Therefore, Applicants respectfully submit that that the constituent element (C) of claim 1 is not disclosed or suggested in Doe.

4. With regard to constituent element (D), i.e., an authentication device, Applicants respectfully submit that it is thought that an authentication device of claim 1 corresponds to a biometric scanning device 112/scan port 174 in Doe.

However, Applicants respectfully submit that a biometric scanning device 112/scan port 174 in Doe is for authenticating a user, and is not for authenticating medium identification information and device identification information.

Further, Applicants respectfully submit that authentication of medium identification information and device identification information is not disclosed in Doe.

Therefore, Applicants respectfully submit that the constituent element (D) of claim 1 is not disclosed or suggested in Doe.

5. With regard to constituent element (E), i.e., key generating device, Applicants respectfully submit that it is thought that a key generating device of claim 1 corresponds to a random key generation 172 in Doe.

However, Applicants respectfully submit that Doe does not disclose that a random key generation 172 generates a common encryption key in accordance with the authentication result of medium identification information and device identification information.

Therefore, Applicants respectfully submit that the constituent element (E) of claim 1 is not disclosed or suggested in Doe.

6. With regard to constituent element (F), i.e., an encrypted information read device, Applicants respectfully submit that it is thought that an encrypted information read device of claim 1 corresponds to a card reader in an encryption control device 110/160 in Doe.

However, as Applicants mentioned in the above-discussed item 3, concerning constituent element (C), because encrypted information and an electronic device unique key are not written in a smart card 118/176 in Doe, there is no disclosure in Doe that such information is read from a smart card 118/176.

Therefore, Applicants respectfully submit that the constituent element (F) of claim 1 is not disclosed or suggested in Doe.

7. With regard to constituent element (G), i.e., an acquiring device, Applicants respectfully submit that it is thought that an acquiring device of claim 1 corresponds to an encryption control device 110/160 in Doe, and it is thought that a control portion for recording medium of claim 1 corresponds to a card microprocessor or a cryptographic processor in a smart card 118/176 in Doe.

However, Applicants respectfully submit that Doe does not disclose forwarding an electronic device unique key read by a smart card 118/176 to a card microprocessor or a cryptographic processor, decrypting an electronic device unique key by a card microprocessor or a cryptographic processor, or acquiring an electronic device unique key encrypted by common encryption key from a card microprocessor or a cryptographic processor.

Therefore, Applicants respectfully submit that the constituent element (G) of claim 1 is not disclosed or suggested in Doe.

8. With regard to constituent element (H), i.e., a decryption execution device, Applicants respectfully submit that it is thought that a decryption execution device of claim 1 corresponds to encryption/decryption channels A and B, 166 and 168 in Doe.

However, Applicants respectfully submit that Doe does not disclose decrypting an acquired electronic device unique key by a common encryption key, or executing decryption of encrypted information using a decrypted electronic device unique key.

Therefore, Applicants respectfully submit that the constituent element (H) of claim 1 is not disclosed or suggested in Doe.

9. With regard to constituent element (I), i.e., a control device, Applicants respectfully submit that it is thought that a control device of claim 1 corresponds to control switches 178 in Doe.

However, Applicants respectfully submit that Doe does not disclose setting a system 100 or an encryption control device 110/160 in a usable mode in the case where control switches 178 decrypt encrypted information.

Therefore, Applicants respectfully submit that the constituent element (I) of claim 1 is not disclosed or suggested in Doe.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that Doe does not disclose, or even suggest, at least the constituent elements (C) to (I) of the combination of features of independent claim 1 of the instant application. Accordingly, Applicants respectfully submit that the invention of claim 1 is new and unobvious over Doe.

Independent claims 5 and 6 describe respective combinations of features that include similar features as discussed above with regard to independent claim 1 of the instant application. Accordingly, similar arguments as set forth above with regard to independent claim 1 also apply to independent claims 5 and 6 of the instant application.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 102(b) should be withdrawn because Doe does not teach or suggest each feature of independent claims 1, 5 and 6 of the instant application. As pointed out in MPEP § 2131, "[t]o anticipate a claim,

the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)."

Furthermore, Applicants respectfully assert that the dependent claim 2-4 and 7 are allowable at least because of their dependence from independent claims 1 or 6 and the reasons discussed previously.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

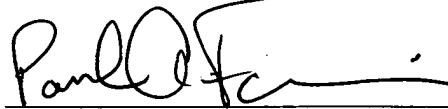
This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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